IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3208 OF 2005

Abdul Latif Nabi Saheb Bagwan & Ors. ...Petitioners.
Vs.
Sangli Miraj Kupwad Cities Municipal
Corporation Sangli & Anr. ...Respondents.

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Mr.A. R. S. Baxi for the Petitioners.
Mr. N.V. Walawalkar for Respondent No.1.
Mrs. M. P. Thakur, AGP for Respondent No.2.

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CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

February 2, 2006.

P.C.

The Learned Counsel for the Petitioners seeks leave to amend the cause title so far as Respondent No.1 is concerned. Leave granted. Amendment to be carried out within the course of the day.

Rule. Heard forthwith.

The Petitioners' land has been reserved in the Development Plan. It is the case of the Petitioners that the Respondents took no steps to acquire the land. Notice was given

under Section 127 on 10th June 2003. It is further the case that the Collector had called upon Respondent No.1 to deposit the amount. They have failed to do so and consequently, the Petitioners approached this Court for the relief as prayed for.

The reply has been filed on behalf of the Corporation. It is pointed out that the Corporation wrote to the Collector on 7th August 2003 to take steps to acquire the land. On 16th September 2003, the General Body of the Corporation passed a resolution. In other words, within six months by a notice dated 10th June 2003 they have taken steps. In the affidavit it is also pointed out that they have now made budgetary allocation for acquisition and that would be passed in the ensuing budget. Considering this situation, we are of the opinion that the petition can be disposed of by issuing the following directions:

-(i) Respondent No.1 to deposit with the Collector of Sangli the amount as demanded by the Collector on or before 30th September 2006;

-(ii) If by that date the amount is deposited, the Collector to

proceed further and take steps to pass the award.

-(iii) If the amount is not deposited by that date, the reservation shall cease and the land will stand dereserved and it will be open to the Petitioners to develop the land according to law.

Rule made absolute accordingly. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)